



File Code: 2730

Date: November 19, 2002

ANALYSIS OF AN APPLICATION FOR SPECIAL USE AUTHORIZATION TO USE NATIONAL FOREST LAND

NOTICE AND OPPORTUNITY TO COMMENT

This letter is to provide you notice of the opportunity to comment on a proposal to grant a road easement to cross the Monongahela National Forest for the purpose of accessing private land.

Purpose and Need

The Alaska National Interest Lands Conservation Act (ANILCA) states that the Secretary of Agriculture “shall provide such access to non-federally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof...” The responsibility and authority to grant access has been delegated from the Secretary to the Forest Supervisor.

Allegheny Wood Products (AWP) has requested access consistent with the ANILCA and the Federal Land Policy and Management Act of 1976 (FLPMA) to manage the timber resources on their land between the Blackwater River and the railroad grade through Blackwater Canyon. Management activities on the private land would include timber stand improvement, commercial thinnings, and forest protection from insects, disease, and wildfire.

There is no deeded access to the AWP property. The land is steep, and is bounded on the south by the Blackwater River, which would be costly to bridge and on the west by private property. The only reasonable access to the AWP property is via the railroad grade through the Canyon, a portion of which AWP is a half owner. The federal government owns the other half of the grade, which is administered by the Forest Service as part of the Monongahela National Forest.

Decision to be Made

In addition to requiring the Secretary of Agriculture to provide access, the ANILCA provides that the non-federal owner’s access be “subject to such terms and conditions as the Secretary of Agriculture may prescribe.” Such terms and conditions could include restrictions on types and numbers of vehicles, time and frequency of use **provided** such restrictions allow the non-federal owner reasonable use and enjoyment of their property. The decision to be made by the Monongahela National Forest Supervisor is what, if any, terms and conditions should be placed on the requested access to protect National Forest resources.



Request for Comments

Comments will be accepted until January 3, 2003. This notice will be published in the paper of record, *The Inter-Mountain*, published in Elkins, WV as well as in the *Parsons Advocate*, published in Parsons, WV. To ensure consideration in the decision-making process, comments should be received prior to the close of the comment period at the address above on the letterhead. If you decide to comment, you should include the following information:

- 1) Your name and address,
- 2) The name of the project on which you are submitting comments;
- 3) Specific facts of comments, along with the supporting reasons, that you believe we should consider in reaching a decision.

Comments received in response to this solicitation will become a matter of public record.¹

Copies of the resulting decision will be mailed to those people who have submitted comments prior to the close of the comment period and to those who request a copy. You can visit our website for more information and maps of the subject area. Information will be located on the homepage at <http://www.fs.fed.us/r9/mnf/> or you may submit comments electronically by email to r9_monong_website@fs.fed.us.

Sincerely,

/s/ Clyde N. Thompson

CLYDE N. THOMPSON
Forest Supervisor

¹ Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit such comments will not have standing to appeal the subsequent decision under 36 CFR 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request that a submission be withheld from the public record by showing how the Freedom of Information Act permits such confidentiality. Persons requesting such confidentiality should be aware that confidentiality is granted in only very limited circumstances. The Forest Service will inform the requester of its decision regarding a request for confidentiality, and where the request is denied, the submission will be returned and the requester notified that the comments may be resubmitted with or without name and address.

* * * * *

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's target center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-w, Whitten Building, 1400 Independence Ave. SW, Washington, DC 20250-9410 or call 202-720-5964 (voice or TDD).